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| <b>Reports and Investigations</b>                                  | <b>ACA Standards: 4-APPFS-1B-01, 4-APPFS-1B-02, 4-APPFS-1B-03, 4-APPFS-1B-04, 4-APPFS-1B-05, 4-APPFS-1B-06, 4-APPFS-1B-07, 4-APPFS-1B-08, 4-APPFS-1B-09, 4-APPFS-1B-10, 4-APPFS-2A-05, 4-APPFS-2A-06, 4-APPFS-2A-09, 4-APPFS-2A-12, 4-APPFS-2B-02, 4-APPFS-2B-03, 4-APPFS-2B-04, 4-APPFS-2C-03, 4-APPFS-3B-09</b> |                          |                                   |
| <b>Scott Crow, Director<br/>Oklahoma Department of Corrections</b> |   | <b>Signature on File</b> |                                   |

## Reports and Investigations

Supervision reports are completed in order to provide significant information regarding an offender's compliance with supervision requirements and transition plan, as well as to detail actions involving events pertinent to the offender's completion of jurisdictional

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ordered conditions. Such reports include: special reports, violation reports, arrest reports and supplemental reports.

Investigations are conducted by order of the court, Pardon and Parole Board or other authorities to determine and verify significant information necessary for criminal justice decisions regarding the offender. Investigations include: pre-sentence investigations, pre-pardon investigations, delayed sentence investigations and interstate investigations.

## I. Case Reports

All reports completed by probation and parole officers will be prepared using the "Case Report" form ([DOC 160301E](#), attached and located in Offender Investigations/Reports (ITSS010A) in Inmate and Community Offender Network (ICON) and will be routed to the immediate supervisor.

### A. Violation Report (4-APPFS-2B-02)

A "Violation Report" ([DOC 160301B](#), attached/ICON) will be submitted on felony and misdemeanor arrests that result in state, federal, or tribal charges being filed. All other violations shall be staffed with the team supervisor to determine if a violation report will be submitted. Violation reports on felony and misdemeanor arrests and those requesting court actions will be submitted to the jurisdictional authority within four working days from knowledge of the violation. Violation reports will be reviewed by the team supervisor prior to distribution. Violation reports will not be written for an offender's failure to meet civil financial obligations. Violation reports will be written for failure to pay supervision fees/restitution in accordance with [OP-160701](#) entitled "Collection of Probation/Parole Fees, Restitution and Program Support Fees."

The report will include the actions taken and any intermediate sanctions imposed. The offender's criminogenic needs will be identified and the actions the offender has taken to address those areas will be detailed, to include programmatic module placement and the offender's progress toward completing those modules. Violation reports will be prepared in the following manner:

1. Violation of Rules and Conditions
  - a. The employee will select the rule/condition violated or cite the rule/condition violated and how the offender violated the rule. The employee will include the date, place, and circumstances of the alleged offense or violation.
  - b. Absent a finding of willful nonpayment by the offender, the failure of an offender to pay fines and costs may not serve as a basis for revocation, excluding restitution.
  - c. If new criminal charges have been filed, the formal statement

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of those charges, the county and agency filing charges, case number, pending court date, amount of bond, and present location of offender will be included. A copy of the arrest report will be obtained for the offender's electronic file.

- d. Parole violation reports will contain detailed information regarding possible witnesses, their willingness to testify, or evidence which support the allegations.

## 2. Summary and Recommendation (4-APPFS-2B-03)

- a. The closing section of the report will consist of a concise summary of the offender's supervision to include programmatic module placement and the offender's progress in complying with the transition plan. Additional areas to be included are the offender's employment and residential environment including family support and involvement. If intermediate sanctions have been applied, the reporting employee will include the outcome and provide recommendations for additional programs to address the identified criminogenic needs.
- b. Recommendation options are available in ICON, but it is not required that the given recommendations must be selected. The employee may develop their own recommendation.
- c. When continued community supervision is recommended, the employee may include a recommendation to delete, modify, or add conditions of supervision. The reasons for such recommendations will be detailed in the report.
- d. Recommendation for placement in an intermediate revocation facility will be considered when requesting action by the Court.
- e. Revocation of probation or parole should only be pursued and a warrant requested from an administrative or judicial authority when it is determined that confinement is necessary to protect the public. (4-APPFS-2B-04)

## 3. Attachments

- a. Violation reports, where the offender has new charges or convictions, will have information sheets or judgment and sentences (or their equivalent) attached to the report, or sent to the administrative or judicial authority as soon as possible.
- b. An arrest report or affidavit detailing the offense will be attached to all violation reports when the offender has new charges or convictions.

4. Confidentiality and Distribution of Violation Reports

- a. All Violation Reports will be routed through ICON to the team supervisor for approval prior to submission. (4-APPFS-2B-02).
- b. For Oklahoma probation cases, the original violation report will be sent to the district attorney unless a copy is requested by the sentencing court. Due to the confidential nature of the information contained in violation reports, the reports will be forwarded to the district attorney sealed in an envelope. The following will be written on the outside of the envelope:

“State v. \_\_\_\_\_, CF \_\_\_\_\_

Violation Report

Contains protected material pursuant to Court of Criminal Appeals Rule 2.6(E).”

- c. For interstate-in cases, violations will be reported through the Interstate Compact Offender Tracking System (ICOTS) on the Interstate Commission for Adult Offender Supervision (ICAOS) “Violation Report” form. A copy will be saved in ICON.
- d. For parole cases, the violation report will be sent to the parole revocation administrator when a warrant request is made. [OP-160901](#) entitled “Parole Warrants, Revocations and Intermediate Sanctions” may be referred to for additional information.

B. Supplemental Report

A “Supplemental Report” ([DOC 160301C](#), attached/ICON) will be submitted by the employee any time a significant change in status occurs in an offender’s case after a violation report has been submitted. A supplemental report is prepared as follows:

1. Reference

For identification purpose(s), the date of the original violation report and any prior supplemental reports will be referenced. A summary as to why the reports were previously filed will be noted as well.

2. Case Status

Changes in the offender’s status will be described including:

- a. Whether the court has filed a Motion to Revoke/Accelerate. If a motion was filed, the offender’s next court date will be noted, as well as the bond amount;

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- b. Disposition of previously reported new charges;
- c. Additional information regarding previously reported technical violations; and
- d. Significant occurrences following submission of the original report.

3. Additional Violations of Rules and Conditions

The employee will select the additional rule/condition violated or cite the additional rule/condition violated. They will include how the offender violated the rule and state the date, place and circumstances of the alleged offense or violation.

4. Summary/Recommendation

The final paragraph will contain a brief summary of the offender's progress since the violation report was submitted. The employee will provide an updated recommendation, in accordance with Section I. A. item 2. of this procedure, if warranted.

5. Distribution of Supplemental Reports

Distribution will be the same as specified in Section I. item A. of this procedure.

C. Special Report (4-APPFS-2A-12)

A "Special Report" ([DOC 160301D](#), attached/ICON) will be submitted by the employee to relay any significant information or unusual situations regarding an offender that is not covered under violation or supplemental report(s). When specific services ordered by the court or releasing authority are not available, the employee will submit a request for further dispositional consideration. A special report may also be used to request the court or paroling authority add, modify, or remove special conditions of supervision. The report will be in narrative format and will include a concise summary of the offender's supervision. Information identifying the offender's criminogenic needs, subsequent programmatic module placement and the offender's progress in completing the assigned modules.

1. Comments/Recommendations

A special report may include a recommendation to delete, modify, or add conditions of supervision. The reasons for such a request will be specified in the report and will be based on the identified criminogenic needs of the offender where applicable.

2. Distribution of Special Reports

The original report will be sent to the authority to who it is addressed or from whom an action is being requested. If the special report is submitted to the district attorney, it will be distributed as specified in Section I. item A. of this procedure.

D. Arrest Report

1. Arrest status information

All arrests conducted by ODOC staff will be reported by the arresting officer prior to going off duty on a case report entitled "Arrest Report" ([DOC 160301E](#), attached/ICON). The following information will be included in the report:

- a. Date, time, and location of arrest;
- b. Agency issuing arrest warrant including the warrant number, offense and the date the warrant was issued;
- c. Documentation of a pre-arrest briefing with all officers involved, if the arrest is a planned arrest; (4-APPFS-3B-09)
- d. Any new offense committed by the offender in the officer's presence;
- e. Officers involved;
- f. Transporting personnel's name, agency, and transportation destination; and
- g. Any noteworthy circumstances.

2. In instances where an ODOC officer makes an arrest that will also require an "Incident Notification Report" ([OP-050108](#), [Attachment H](#)), the report submitted will need to be noted as "Serious Incident/Arrest Report" in ICON. This report will be submitted within required time frames in accordance with [OP-050108](#) entitled "Use of Force Standards and Reportable Incidents."

3. Distribution of Arrest Reports

- a. The report will be routed to the region's administrator of Community Corrections.
- b. Arrest reports involving a use of force will be distributed in compliance with [OP-050108](#) entitled "Use of Force Standards and Reportable Incidents."

## II. Pre-Sentence Investigation (PSI) (4-APPFS-1B-01)

The primary purpose of the pre-sentence investigation, ([DOC 160301F](#), attached/ICON) is to provide the sentencing court with timely, relevant, and accurate data to assist in the determination of an appropriate sentence. In addition, the report is prepared in a manner to assist by providing information relevant to the offender's pro-social adjustments. (4-APPFS-1B-03) The chief administrator of Community Corrections and Contract Services or designee will review on a continual basis the content of pre-sentence investigations, the preparation of reports, and the provision of sentencing alternatives for the court. (4-APPFS-1B-08) All information reported in the investigation will be independently verified. If independent verification is not possible, the report will reflect the information is self-reported by the offender.

### A. Court Order

PSI's will be conducted only after a plea or finding of guilt and upon receiving the "Order to Conduct Pre-Sentence Investigation" ([Attachment A](#), attached) request from the sentencing court.

### B. Process (4-APPFS-1B-02)

A system will be established for assignment, investigation, completion, and delivery of PSI's by the court ordered date. The courts will be informed of any inability to provide a PSI due to defendant's lack of cooperation or unavailability. Staff members such as other probation and parole officers and case managers, as well as interns and volunteers, may be utilized to assist in gathering data. The officer will maintain detailed case notes of the investigation in ICON.

### C. Tools for Conducting Pre-Sentence Investigations

1. A flexible model for PSI's will be utilized to meet the specific needs of the courts and ODOC. The following form will be completed or obtained during the investigation:
  - a. "Consent for Release of Confidential Information;" ([OP-060210](#), [Attachment C](#))
2. The district attorney's information sheet for each crime as listed by case number or count number on the order to conduct the PSI will also be obtained. Additional documentation requested by the court shall be provided following the indicated guidelines.
3. The LSI-R and ASUS will be the primary investigative tools for the PSI. Prior to initiating the investigation, the assigned employee will obtain necessary background information pertaining to the defendant to include employment history, prior criminal history, significant medical or mental health history, prior departmental records, and other relevant information that may be obtained. The investigating

employee will schedule sufficient time to conduct the LSI-R and ASUS.

4. The LSI-R will be conducted in accordance with [OP-160103](#) entitled "Supervision of Community Offenders," [Attachment A](#) entitled "Evidence-Based Offender Management Guideline." Regardless of whether the residence portion of the investigation is requested by the court, a home visit must be conducted on all PSI investigations in order to validate the information gathered in the LSI-R.
5. In conducting the investigation, the investigating employee will give particular attention to the defendant's readiness to change and will identify the defendant's current status in the "Stages of Change" model. The investigating employee will discuss the significance of the defendant's readiness to change and the implications for any sentencing recommendations or decisions.

D. Investigation Format

The "Pre-Sentence Investigation" form ([DOC 160301F](#), attached/ICON) will be used in completing all pre-sentence investigation reports.

Only sections ordered by the court will be investigated and included in the report, with the exception of the assessments/transition plan and summary section. If an additional section is ordered by the court, the section will be added to the "Pre-Sentence Investigation" form ([DOC 160301C](#), attached/ICON) under the "OTHER" heading.

1. Offense
  - a. Official Version
    - (1) This section will provide a narrative summary of the defendant's participation in the offense(s). Information obtained from the district attorney's description and the official arrest report is utilized to compile this summary.
    - (2) The date and place of arrest, statement of arresting officer (if appropriate), and degree of offender cooperation will be provided.
  - b. Defendant's Version
    - (1) The defendant's version of the offense will be obtained and included in the report exactly as presented by the defendant. In the event the defendant is not literate and has no resources to assist in the preparation of the defendant's version, the employee may assist. When



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the employee assists the defendant, it will be noted in the investigation.

c. Victim's Version (4-APPFS-1B-04, 4-APPFS-2A-05)

- (1) The victim's written or oral statements about the offense will be included. In the event the victim is not literate, the employee may assist the victim in preparation of the statement. The amount and type of compensation received by the victim from insurance or other sources shall be reported.
- (2) Information should be gathered regarding victim's personal and property losses in an effort to determine restitution. If gathered, this information will be included in the report.

d. Prior Record, Adult

This section will include the date, offense, case number, jurisdiction, and disposition on all charges.

- (1) Using the "Oklahoma Department of Corrections Request for Record" ([DOC 090211B](#)), the investigating employee will request transcripts from the FBI, OSBI, and any other jurisdiction in which defendant has resided during his/her adult life.
- (2) A National Crime Information Center (NCIC) inquiry may be used to gain additional information.
- (3) The investigating employee will locate and/or verify dispositions of all arrests reported on rap sheets. Self-reported arrests will also be verified.
- (4) In the event that the offender is currently supervised, or has been supervised by ODOC, the electronic file will be obtained from the Closed Records Unit. A summary of the offender's incarceration/probation period shall be included.

e. Prior Record, Juvenile

This section will also include the date, offense, case number, jurisdiction and disposition on all charges.

- (1) Written or verbal statements from juvenile probation and parole authorities (if supervised) or any prior record with juvenile authorities will be the basis for information

contained in this section, as well as the offender self-reported information.

2. Traffic Record

If the defendant has been involved in a lengthy history of misdemeanor or traffic offenses, it may be summarized in a narrative format.

- a. The investigating employee will obtain records from the Oklahoma Department of Public Safety (DPS) and other states equivalent using the "Oklahoma Department of Corrections Request for Record" ([DOC 090211B](#)).
- b. A check for traffic records will include each state in which the defendant was licensed.

3. Personal and Family Data/Social History

This section will include both written and oral statements from defendant and relatives.

- a. Areas to be addressed are: date of birth, place of birth, and influences during childhood that may have a bearing on the defendant's present personality and behavior.
- b. The extent of family cohesiveness, attitudes of parents, important factors in the home, persons who raised the defendant, if other than biological parents, should be addressed.
- c. This will include the present status of parental relationships, the age the defendant left home, reason for leaving, and history of truancy from home.
- d. Family background information necessary to understand the defendant and personal or social adjustment will be provided.

4. Residence

- a. The defendant's residence will be verified by a home visit. The location, type of dwelling, as well as the number of reported occupants will be described. It will be indicated whether the defendant owns or rents the dwelling, as well as the length of time the defendant has lived at the reported residence.
- b. If the defendant is in jail at the time the investigation is conducted, the defendant's residential plans once released will

be discussed. Any residential offer reported will be verified by the officer by means of a home visit.

- c. If the defendant has lived at the reported residence for less than five years, prior residential information will be summarized.

5. Marital History

The defendant's current marital status will be indicated.

- a. All marriages, including common-law; divorces; and children will be listed.
- b. All children and any child support will be reported for which the offender is responsible as well as a history of contributions and compliance with court order(s). It will be indicated who has custody of any minor children.

6. Education

- a. The highest grade completed, the age the defendant left school, and reason for leaving will be reported. If pertinent, the date and name of last school attended, as well as social adjustment in school, conduct, scholastic standing, etc. will be included.
- b. School transcripts, diplomas, and certificates for public, private, and vocational training; written and oral statements from educators will be used in determining information to be included in this section.

7. Employment History

- a. The name and address of each employer will be listed in the employment record and will date back at least five years.
  - (1) To be included are dates, nature of work, duration of employment with each firm, the reason for leaving, and salary. If the defendant's employment has been of a short-lived, sporadic nature, this should be reported in a narrative.
  - (2) This section will also include information regarding additional or other means of support, e.g., assistance from parents, government assistance, private agencies and trust funds.

- b. Written and oral statements from current and past employers will assist in documentation. Areas that should be addressed may include attendance, reliability, dependability, attitudes toward work, relationship with co-workers, and the employer's reported willingness to rehire.

8. Physical Health History

- a. This will include defendant's general physical condition and health problems, based on the defendant's own estimate of health. Medical reports may be necessary to prove chronic, aggravating conditions or ailments.
- b. Health information may be obtained through the use of the "Authorization for Release of Protected Health Information" ([DOC 140108A](#)). Treatment summaries or statements from facilities or medical authorities concerning medical problems relating to the crime or defendant's current condition may be obtained.

9. Mental Health

- a. This section will include the defendant's general mental condition/history of problems based upon the defendant's own estimate of his mental health and/or any medical documentation provided.
- b. Psychiatric reports may be necessary to document past/current mental health history as well as a history of past/current psychotropic medication use. These may be obtained through an order issued by the court or the use of the "Consent for Release of Confidential Information, ([OP-060210, Attachment C](#))" which should be sent to agencies or individuals from whom defendant has obtained psychiatric/psychological evaluation and/or treatment.

10. Substance Abuse History Evaluation

The officer will document any significant findings on the ASUS subscales and will include the recommended treatment intervention level. Include if pertinent, evidence of excessive alcohol or drug use, drug/alcohol treatment, and if the use of these substances relates to criminal activity.

- a. If ordered by the court, the offender may be referred to a substance abuse counselor for additional evaluation.
- b. Urinalysis testing will only be conducted if ordered by the judge as part of the PSI.

11. Financial Condition

- a. This section will include a detailed list of all assets valued at \$500 or more.
- b. All of the defendant's debts will be listed by name and address of debtor, amount of debt and required payments. The list of debts will include, but not be limited to: housing, utilities, credit card payments, loan payments, child support payments and any other significant financial obligation.
- c. Information concerning defendant's assets and debts may be obtained through written or oral statements from financial institutions and/or court documents of outstanding indebtedness. This section will make readily apparent the defendant's ability to pay fines and/or restitution, and will be reported in detail.

12. Military Service History

This will include their branch of service, date entered into the military and date of discharge. The type of discharge must be mentioned as well. The military occupational specialty (MOS) will be noted and all court-martials and Article 15's must be reported along with any other punishment from a commanding authority.

13. Other

This section will contain any other information ordered by the court. If no additional information was requested by the courts, the employee will state that in the report in ICON.

14. Offender Plan

This will include written or oral statements from the defendant or his family as to family support, community resources, and the defendant's plans if granted probation.

15. Assessments/Transition Plan

The investigating employee will detail the defendant's readiness to change and will identify the defendant's current status in the "Stages of Change" model. The investigating employee will discuss the significance of the defendant's readiness to change and the implications for any sentencing recommendations or decisions. Information regarding the recommended treatment level from the ASUS will be included.

A proposed transition plan that is based upon the defendant's identified criminogenic needs, available interventions and other information obtained during the investigation will be detailed. The investigating employee will carefully examine the identified criminogenic need areas and target specific, realistic interventions with which the offender can comply, and which will reduce the likelihood of the offender's continued criminal behavior. (4-APPFS-2A-06)

16. Summary

The summary section will be completed on all PSI's and will contain an objective assessment of the defendant's overall situation and will include but is not limited to: whether or not the offense appears to be situational or indicative to a pattern of behavior, the applicability of restitution and the offender's ability to pay restitution, resources available if community supervision is recommended, the offender's acceptance of responsibility, the offender's remorse or guilt about the offense and whether or not the offender is a threat to the community and the likelihood of the offender's ability to successfully address the identified criminogenic need areas considering the defendant's available resources, support and readiness to change.

a. The Offense

This section should discuss whether the offense appears to be situational or indicative of persistent pattern. The defendant's motivation for the commission of the crime and the impact upon the victim should be discussed. The applicability of restitution will be indicated.

b. The Community

Does the defendant pose a threat to others, is probation a sufficient deterrent, or would it be most beneficial to work with the defendant in the community? The availability of resources to target criminogenic needs will be addressed.

c. The Defendant

Developmental factors that were significant in contributing to defendant's current behavior and any history of antisocial behavior will be noted.

It will be indicated whether or not the defendant accepts responsibility for his/her actions, as well as willingness and ability to pay restitution. Included will be current motivation to change behavior, any changes in behavior since offense, future employability and any issues that can be addressed under community supervision.

## 17. Sentencing Recommendations/Statutory Requirements

- a. Prior to determining recommendations the employee will consider the following statutory requirements:
  - (1) Defendants are not normally eligible for probation on the fourth or subsequent felony convictions. However, DUI offenders are eligible for probation on a second and subsequent offense if the court orders the defendant to submit to electronically monitored home detention. The court may waive these prohibitions upon written application of the district attorney. 22 O.S. § 991a(C).
  - (2) In accordance with O.S.22 § 991a(C), defendants are not eligible for probation for a third or subsequent conviction of a violent crime enumerated in O.S. 57 § 571.
  - (3) No defendant with a prior felony conviction or more than one prior deferred sentence within the ten years previous to the commission of the pending offense is eligible for deferred sentencing. The court may waive these prohibitions upon written application of the district attorney. 22 O.S. § 991c(H).
  - (4) No defendant is eligible for probation for a second or subsequent felony conviction for manufacture/distribution/possession with intent to distribute a controlled dangerous substance in or on, or within 2,000 feet of the a public or private elementary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, public housing project, or child care facility. (63 O.S. § 2-401(G)(3)).
  - (5) No defendant is eligible for probation when convicted of Racketeering, (22 O.S. § 1404) or Aggravated Manufacturing (63 O.S. § 2-401(G)(3)).
- b. When selecting a sentencing recommendation, the investigating employee will consider all background information compiled during the investigation. Innovative sentencing alternatives may be considered in cases which incarceration is not clearly imperative for reasons of protecting public safety. (4-APPFS-1B-01, 4-APPFS-1B-05, 4-APPFS-1B-06) Options include, but are not limited to:

- (1) Community based supervision which includes:
  - (a) Community sentence;
  - (b) Evening/weekend jail incarceration;
  - (c) Deferred, with or without supervision;
  - (d) Suspended, with or without supervision;
  - (e) Community Service Sentencing Program (CSSP);
  - (f) Delayed—probation or incarceration;
  - (g) Judicial Review—community; and
  - (h) Drug/Mental Health/DUI Court.

Recommendations for any special rules, services and treatment necessary for enforcing compliance with the supervision plan or in establishing restitution requirements will be made. This will include the offender's ability to pay for treatment, services, interventions and sanctions. Recommendations will be based upon identified criminogenic needs, the severity of the offense and the prior criminal history. (4-APPFS-1B-05)

- (2) Incarceration

Confinement is part of a recommendation in selected cases when circumstances clearly indicate the need for confinement as part of a prescribed program plan. Incarceration should not be resorted to in any case in which viable alternatives are available and appropriate.

- (3) Review/Approval

All PSI's are to be routed for approval by the team supervisor prior to submission to the court. (4-APPFS-1B-07) In all cases, only one recommendation will be submitted to the court. In the event that the employee and team supervisor do not agree on a recommendation, the employee and the team supervisor will review the information with the assistant regional supervisor who will then determine the



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sentencing recommendation prior to submission of the report to the court.

(a) Confidentiality

All investigative materials are confidential. Information about cases will not be discussed openly, and files and records will not be left unattended or given to persons who do not have a proper and legitimate interest in the case. (4-APPFS-1B-10)

The report will be submitted to the court in a sealed envelope. The following will be written on the outside of the envelope:

“State v. \_\_\_\_\_, CF \_\_\_\_\_  
Pre-Sentence Investigation  
Contains protected material pursuant to Court of Criminal Appeals Rule 2.6(E).”

(b) Distribution

The original plus two copies of the report with any significant attachments will be delivered to the sentencing court on or before the date ordered by the court, but no later than two (2) working days in advance of the date set for the sentencing date.

If the PSI is being conducted for a sex offense, as defined in [OP-020307](#) entitled “Sex and Violent Crime Offender Registration”, a copy of the “Special Supervision Conditions for Sex Offenders,” ([OP-160601](#), [Attachment H](#)), will be attached to the report.

(c) Distribution after sentencing

If sentenced to incarceration, a copy of the investigation, with attachments, will be forwarded to the assessment and reception centers within five working days for incorporation into the field file. (4-APPFS-1B-09)

(d) Investigative materials placed into ICON

The only investigative materials to be incorporated into ICON are the LSI-R/ASUS and the district attorney information sheet.

If the offender record was entered into the department's computerized data base and the offender did not have a prior ODOC number, a request shall be submitted for the deletion of the offender's ODOC number if the offender was given a sentence not requiring community supervision or incarceration with ODOC,.

### III. Delayed Sentencing

An out-of-custody delayed sentencing is a trial supervision period ordered by the court prior to the court's issuing a final adjudication of a felony case. The defendant is supervised in accordance with guidelines as established by [OP-160103](#) entitled "Supervision of Community Offenders" and as directed by the court.

During the trial supervision, the defendant is evaluated by the investigating employee utilizing the LSI-R and ASUS to determine a sentence recommendation that would best serve to protect the public and meet the needs of the offender. The defendant will participate in the development of a transition plan and will be assigned to programmatic modules based on the LSI-R. (4-APPFS-2A-06, 4-APPFS-2A-09) The investigating employee will give considerable attention to the defendant's readiness to change, cooperation and commitment to adhering to and completing assigned programmatic modules. The information obtained during the trial supervision period will serve as a basis for a final recommendation to the court.

The "Offender Accountability Plan Delayed Sentencing Program for Young Adults" form ([OP-060210](#), [Attachment B](#)), will be utilized.

Thirty days prior to sentencing, the investigating employee shall prepare and file with the court clerk a special report, summarizing the offender's progress during supervision and making a final recommendation to the court (if applicable). If the plan recommends confinement, the plan shall state specifically the type of confinement recommended and the amount of time the offender will spend in confinement. The investigating employee will prepare and submit any other reports as requested by the sentencing court.

#### A. Assignment Procedures

A local system of assignment will be established to ensure completion, and timely delivery and tracking of all offender accountability plans. Permanent ODOC numbers will be assigned during the period of delayed sentencing.

#### B. Conducting the Delayed Sentence Investigation

The court order will be evaluated to determine the specific areas to be

covered during the investigation. The delayed sentence investigation report will be conducted and compiled in the same format as the pre-sentence investigation outlined in Section II. of this procedure. The officer will make a sentencing recommendation to the court from the following:

1. Deferred sentence, either supervised or un-supervised;
2. Suspended sentence, either supervised or un-supervised;
3. Sentence the defendant to the custody of ODOC; or
4. Dismissal of the charges.

C. Confidentiality and Distribution

All investigative materials and reports are confidential. Information about cases will not be discussed openly, and records will not be left unattended or given to persons who do not have a proper and legitimate interest in the case.

The report will be submitted to the court in a manila envelope. The following will be written on the outside of the envelope:

"State v. \_\_\_\_\_, CF \_\_\_\_\_  
Offender Accountability Plan  
Contains protected material pursuant to Court of Criminal Appeals Rule 2.6(E)."

The Offender Accountability Plan will be filed with the court clerk's office no later than 90 days after the offender is committed to the program, or as ordered by the court. Copies will be provided to the District Attorney, the offender, the offender's attorney and the court.

IV. Pre-Pardon Investigation

A. Application and Documents

All offenders requesting a pardon will contact the Pardon and Parole Board administrative office to receive an "Application for Pardon Consideration."

The following documentation is required with the application:

1. Authorization of Release of Information;
2. Certified Judgment & Sentence from the county of conviction;
3. Certified statement from the court clerk from the county of conviction that all fines, fees, restitution, court costs, etc. have been paid in full;

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4. A current credit report (within 90 days from the date of the application);
5. Verification of residence (rental receipt, mortgage statement, deed, lease agreement, utility bills are not an acceptable form of residence verification);
6. Verification of employment (current pay stub, benefit statement, tax return); and
7. Character affidavits and support letters are optional but must be signed, recently dated, notarized and attached with the application.

**B. Conducting and Completing the Pre-Pardon Investigation**

The “Pre-Pardon Investigation” form ([DOC 160301A](#), attached/ICON), will be used in completing all pre-pardon investigation requests.

**1. All Felony and Misdemeanor Convictions**

The employee will report the offense, ODOC#, case number, county of conviction, length of sentence, type of sentence, conviction date and final completion date on all felony and misdemeanor charges, including alcohol or drug related district court traffic conviction (no other traffic). This includes charges for which the applicant has not requested a pardon. Municipal convictions/dispositions will be included only if applicant demonstrates a specific need, such as obtaining a certain license. Any aggravating or mitigating circumstances will be summarized. Applicants are only required to provide the Judgement and Sentence for all offences being requested for a Pardon. All other information needed for this section must be obtained by the investigating officer.

- a. Using the “Oklahoma Department of Corrections Request for Record” ([DOC 090211B](#)) the investigating employee will request transcripts from the Federal Bureau of Investigation (FBI), the Oklahoma State Bureau of Investigation (OSBI), Oklahoma Department of Public Safety (DPS) and any other jurisdiction in which the applicant has resided during his/her adult life.
- b. Local law enforcement agencies and district attorneys will be checked to determine if any new convictions or pending charges exist.
- c. A check will be made for any active or closed ODOC records.
- d. For all cases under pardon consideration, the district attorney’s felony information sheet (D.A.’s Narrative) or affidavit will be attached to the completed report.

2. Official Version

An official version of the offense will be included in the report. The official version will be summarized from the arrest report, district attorney's information sheet and the district attorney's narrative or from a pre-sentence investigation.

3. Home Environment

- a. The employee will report the applicant's current residential address, the persons residing in the residence, and if the residence is owned, rented or being purchased.
- b. A record of the applicant's prior residence(s) will be listed beginning with the most current and reviewing the last five (5) years. The length of time occupied at each residence will be included.

4. Employment

- a. The employee will report the applicant's current employer by name of business and address. The applicant's length of service at the current employer will be included. If the applicant gives the employee permission, the employee will verify current employment by an interview with the employer.
- b. A record of the applicant's prior periods of employment will be listed beginning with the most current and reviewing the last five years. The length of time at each term of employment will be shown.
- c. If the applicant claims to be self-employed, a copy of the applicant's business records will be obtained. Also, the employee will request to see income tax returns for the period of time being investigated.
- d. The employee will verify any terms of retirement and periods of time in which the applicant was supported by government assistance.

5. Oklahoma Department of Public Safety Record

The employee will summarize the applicant's record with the Oklahoma DPS. It will be indicated if the record is not applicable or unavailable.

6. Financial Status

The employee will have the applicant supply a credit bureau report, which can be verified and is current within 90 days of the date of application. If applicant does not supply a report it will be noted in the report. The applicant is ineligible for a Pardon if they have an active tax lien. The employee will report if the applicant is currently under bankruptcy proceedings or if bankruptcy has been filed in the last five years or since the earliest conviction date (whichever is greater).

- a. The employee will validate and include any other sources of income.
- b. If the offense was committed after October 10, 1976, the Finance Accounting unit of ODOC will be contacted to determine if applicant has paid probation/parole fees and restitution as required. For offenses prior to that date the employee will check records with the court clerk in the county in which the offense was committed concerning any outstanding financial obligations. If the applicant owes outstanding probation/parole fees, they must be paid in full or waived in order to be eligible for a pardon. If restitution is still outstanding, it must be paid in full in order to be eligible for a pardon.
- c. The court costs on all offenses will be verified as being paid and any outstanding balances will be reported.
- d. If child support payments are ordered by a court, the employee will determine the monthly amount owed and the current status of payment.

7. Summary of Incarceration and/or Supervision with ODOC

- a. The applicant's ODOC records will be reviewed and a summary of the applicant's adjustment will be reported, to include any rule violations during supervision or misconducts while incarcerated.
- b. The applicant's last supervising officer will be contacted, if available, and comments will be added to the report.
- c. It will be indicated if the ODOC did not supervise the applicant, either under a term of community supervision or incarceration.

8. Summary and Eligibility

- a. The employee will report a brief summary of the applicant's reason for a pardon and the applicant's adjustment in the community since the last conviction date.

- b. The employee will cite whether the applicant is eligible or ineligible based on the requirements of the Pardon and Parole Board. Other comments/concerns based on the applicant's adjustment in the community and any other pertinent information gained in the course of the investigation can be documented.

9. Attachments

The employee will only attach additional material obtained during the investigation which was not included in the pardon packet received by the Pardon and Parole Board.

C. Completion

The completed report is due to the Pardon and Parole Board within 60 days of receipt of the request to conduct the pre-pardon investigation.

1. The employee will route the completed investigation to the team supervisor for review. The team supervisor will then route the approved report through the assistant regional supervisor to the region's administrator of Community Corrections office at least two business days prior to the date the report is due to the Pardon and Parole Board.
2. The region's administrator of Community Corrections will ensure the report is forwarded to the Pardon and Parole Board.

D. Withdrawal Process

If the applicant wishes to withdraw the "Oklahoma Pardon and Parole Board Pardon Application and Instructions" prior to or during the investigation, the following procedure will be used:

1. A "Special Report" ([DOC 160301D](#), attached/ICON) will be written advising that the applicant has withdrawn the application. The pardon application and all information obtained by the investigating employee will be attached to the case report.
2. The report will be routed to the team supervisor who will forward the report as directed in accordance with section IV. item C. of this procedure.

E. Unable to Locate Applicant

If the applicant cannot be found or refuses to cooperate in the investigation, a case report summarizing the efforts made by the employee will be routed to the team supervisor who will forward the report as directed in accordance with section IV. item C. of this procedure.

The “Special Report” ([DOC 160301D](#), attached/ICON) should contain the following information:

1. The reason the applicant cannot be found and what efforts have been made by the employee to locate the applicant;
2. If the applicant has been located but refuses to cooperate, it will be noted in what manner the applicant did not cooperate; and
3. The “Oklahoma Pardon and Parole Board Pardon Application and Instructions” ([PPB Form](#)) and all information obtained by the investigating employee will be attached to the Special Report.

F. Ineligibility of Applicant

If the investigation reveals that the applicant is not eligible for a pardon, according to the “eligibility” section of the “Oklahoma Pardon and Parole Board Pardon Application and Instructions ([PPB Form](#))”, a “Special Report” ([DOC 160301D](#), attached/ICON) summarizing the reason the applicant is ineligible will be submitted as directed in section IV. item C. of this procedure.

V. Interstate Compact Investigations

Interstate compact investigations are conducted in accordance with in [OP-160108](#) entitled “Interstate Compact for Probation/Parole,” Section III. entitled “Procedures for Investigation-Interstate-Ins.”

VI. Global Position Satellite Surveillance Program Residence and Employment Investigations

Residence and employment investigations for offenders under consideration for placement on the Global Position Satellite Surveillance Program will be conducted in accordance with [OP-061001](#) entitled “Global Position Satellite Surveillance (GPS) Program.” GPS investigation approvals and denials will be logged into ICON under the “Investigations/Reports” section (ITSS010A).

VII. Electronic Monitoring Program for DUI Offenders

Residence and employment investigations for offenders under consideration for placement on the Electronic Monitoring Program for DUI Offenders will be conducted in accordance with [OP-061002](#) entitled “Electronic Monitoring Program for DUI Offenders.”

VIII. Parole Residence/Employment Investigations (4-APPFS-2C-02)

A. Assignment

1. Staff at ODOC facilities will enter a proposed parole



residence/employment offer into the Offender Management System (OMS) for investigation by Probation and Parole.

2. The proposed offer will be forwarded through OMS to the appropriate probation and parole office based on the offender's residential plans.
3. Upon completion of investigation of the proposed offer, the officer will submit the results to the team supervisor for approval. Once approved, the results shall be entered into OMS. All approvals and denials will also be placed into ICON under the "Investigations/Reports" section (ITSS010A). If the proposed residential/employment offer is approved, the completed "Parole Residence and Employment Verification Request" ([OP-060205](#), [Attachment A](#)) shall be emailed to the Parole Process unit who will forward the results to the Pardon and Parole Board.
4. The region's administrator of Community Corrections will ensure the "Parole Residence and Employment Verification Request" ([OP-060205](#), [Attachment A](#)) is completed on or before the assigned due date.

B. Investigation Components

The following procedures will be utilized when preparing a "Parole Residence and Employment Verification Request:"

1. Home Offer

The home offer will be an appropriate environment to support parole adjustment. In order to determine if such an environment exists, the investigating staff member will physically visit the proposed residence. If the proposed residence is under the jurisdiction of the housing authority, the offender must meet eligibility guidelines for residential assistance through the housing authority prior to approval.

- a. Twenty-five hundred dollars or more may be substituted in lieu of a home offer only if no other home offer is available and the offender has verifiable employment.

- (1) The amount of \$2500 must be available to the offender at the time of parole.

- b. If the provided home offer is not approved:

- (1) Upon verifying the home offer is not valid, the investigating staff member will indicate the reason in the comment section.

- (2) If a substitute offer is available, it will be investigated

and noted in the appropriate section.

- (3) If the home offer is not valid and a substitute offer is not available, the investigating officer will provide the case manager with contact information for a sober living and/or transitional living center(s) in the same location or closest metropolitan area to the original offer.
- (4) All denied home offers must be reviewed by the team supervisor and the assistant regional supervisor.
- (5) If the home offer is not valid or has been substituted, the assigned staff member will notify the Parole Process unit by faxing a copy of the "Parole Residence and Employment Verification Request" ([OP-060205](#), [Attachment A](#)) and the denial will be entered into OMS and ICON so the facility can begin the process again.

## 2. Employment Offer

- a. The assigned staff member will determine the validity of the employment information and check the appropriate section on the "Parole Residence and Employment Verification Request" ([OP-060205](#), [Attachment A](#)).
- b. The proposed employment will be work the offender is physically able to perform. In lieu of employment, the ability to obtain employment or a verifiable means of support (retirement, disability benefits, trust fund, etc.) will assure favorable consideration is given when investigating the employment potential of an offender. If the offender's residence requirement is substituted by \$2500 in cash, the offender must have verifiable employment or verifiable income.
- c. If the employment offer is not valid, but the offender has an approved residential offer, the investigation will not be denied.
- d. If a substitute employment offer is available, it will be noted in the appropriate section.
- e. If the employment offer is not valid and the proposed residential offer has been substituted by the cash alternative, the assigned staff member will notify the Parole Process unit by faxing a copy of the "Parole Residence and Employment Verification Request" ([OP-060205](#), [Attachment A](#)) denial and the denial will be entered into OMS.

## 3. Outstanding Felony Warrants Check

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The employee will contact local law enforcement agencies and check Oklahoma State Courts Network (OSCN) and On Demand Court Records (ODCR) websites for information on outstanding warrants for the offender's arrest. If no warrants are located, this will be reflected in the appropriate section on the "Parole Residence and Employment Verification Request" ([OP-060205](#), [Attachment A](#)) investigation.

- a. Upon locating an outstanding felony warrant, the assigned staff member will confirm validity of the warrant and provide sufficient information pertaining to the warrant to enable the appropriate facility staff to take necessary steps to resolve the warrant.
- b. Misdemeanor or traffic warrants will be reported on the Pre-Parole Investigation by offense, case number, and jurisdiction and shall not normally be cause to deny the investigation.
- c. If it is verified there are outstanding felony warrants for the arrest of the offender, the "Parole Residence and Employment Verification Request" ([OP-060205](#), [Attachment A](#)) investigation will be returned along with an explanation to the Parole Process unit. However, an outstanding warrant does not invalidate the home offer.

C. Invalid Home/Employment

If neither the employment nor the home offer is valid, the "Parole Residence and Employment Verification Request" ([OP-060205](#), [Attachment A](#)) will be returned to the Parole Process unit and the denial will be entered into OMS and ICON.

D. Reporting Delays

Any reasonable delays in reporting must be approved by the supervising employee's supervisor. (4-APPFS-2C-03)

IX. References

Policy Statement P-160100 entitled "Purpose and Function of Probation and Parole"

OP-020307 entitled "Sex and Violent Crime Offender Registration"

OP-050108 entitled "Use of Force Standards and Reportable Incidents"

OP-060210 entitled "Delayed Sentencing Program for Young Adults for Confined Offenders"

OP-160103 entitled "Supervision of Community Offenders"

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OP-160108 entitled "Interstate Compact for Probation/Parole"

OP-160201 entitled "Opening, Closing and Transferring Cases Under Supervision"

OP-160601 entitled "Supervision of Sex Offenders"

OP-160701 entitled "Collection of Probation/Parole Fees, Restitution and Program Support Fees"

OP-160901 entitled "Parole Warrants, Revocations and Intermediate Sanctions"

OP-061001 entitled "Global Position Satellite Surveillance (GPS) Program"

OP-061002 entitled "Electronic Monitoring Program for DUI Offenders"

22 O.S. § 991a.

22 O.S. § 991 c.

22 O.S. § 1404

57 O.S. § 571.

63 O.S. § 2-401(G)(3)

X. Action

The administrator of Community Corrections is responsible for compliance with this procedure.

The chief administrator of Community Corrections and Contract Services is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the agency director.

This procedure is effective as indicated.

Replaced: OP-160301 entitled "Reports and Investigations" dated July 27, 2020

Distribution: Policy and Operations Manual  
Agency Website

| <u>Referenced Forms</u>      | <u>Title</u>   | <u>Location</u>                    |
|------------------------------|--|------------------------------------|
| <a href="#">DOC 160301A</a>  | "Pre-Pardon Investigation"   | Attached/ICON                      |
| <a href="#">DOC 160301B</a>  | "Violation Report"   | Attached/ICON                      |
| <a href="#">DOC 160301C</a>  | "Supplemental Report"  | Attached/ICON                      |
| <a href="#">DOC 160301D</a>  | "Special Report"   | Attached/ICON                      |
| <a href="#">DOC 160301E</a>  | "Arrest Report"  | Attached/ICON                      |
| <a href="#">DOC 160301F</a>  | "Pre-Sentence Investigation"   | Attached/ICON                      |
| <a href="#">DOC 090211B</a>  | "Oklahoma Department of Corrections Request for Record"                    | <a href="#">OP-090211/</a><br>ICON |
| <a href="#">DOC 140108A</a>  | "Authorization For Release of Protected Health Information"                | <a href="#">OP-140108</a>          |
| Website Form                 | "Oklahoma Pardon and Parole Board Pardon Application and Instructions"     | <a href="#">PPB Form</a>           |
| <u>Attachment</u>            | <u>Title</u>   | <u>Location</u>                    |
| <a href="#">Attachment A</a> | "Order to Conduct Pre-Sentence Investigation"                              | Attached/ICON                      |
| <a href="#">Attachment H</a> | "Incident Notification Report"   | <a href="#">OP-050108</a>          |
| <a href="#">Attachment A</a> | "Parole Residence and Employment Verification Request"                     | <a href="#">OP-060205/</a><br>ICON |
| <a href="#">Attachment B</a> | "Offender Accountability Plan Delayed Sentencing Program for Young Adults" | <a href="#">OP-060210/</a><br>ICON |
| <a href="#">Attachment C</a> | "Consent for Release of Confidential Information"                          | <a href="#">OP-060210/</a><br>ICON |